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EXAMINER
BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/764,178	WHITESAGE, MICHAEL D.
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 March 2005_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30,40-45 and 52-54_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-30,40-45 and 52-54_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Final office action is in response to Applicant's amendment filed March 29, 2005. Claims 1-4, 6, 7, 9-15, 17, 18, 20-22, 24-26, 28, 30, 40-44, and 52-54 have been amended. Claims 31-39 and 46-51 have been canceled. Claims 1-30, 40-45, and 52-54 are pending.

2.   The previously pending objection to the abstract has been withdrawn.

The previously pending rejections to claims 46-51 under 35 U.S.C. 112, second paragraph, have been withdrawn as moot, since the claims have been canceled.

3.   Applicant's arguments with respect to claims 1-30, 40-45, and 52-54 have been considered but are moot in view of the new ground(s) of rejection, necessitated by Applicant's amendment.

4.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

5.   Claims 1-12, 15-18, 20, 21, 23, 24, 27, 28, 30, 40-45, and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillespie (US 2001/0034626), in view of Webber, Jr. (USPN 6,167,378).

As per claim 1, Gillespie discloses a method of managing purchasing contracts between supplier entities for a common carrier and customer entities for the purchase of ticket products (e.g., method to allow companies to efficiently evaluate value of preferred airline supplier scenarios and improve negotiation position, ¶ 0025, thus able to decide what airlines to put under contract, ¶ 0016), said method comprising the steps of: generating a ticket purchasing contract between a supplier entity and a customer entity (e.g., implementing contract goals that are indexed to accommodate changes in airline schedules, ¶ 0025), the purchasing contract being applicable to a plurality of contracted purchasing transactions that effect the purchase, by the customer entity, of a ticket on the common carrier for travel (e.g., corporate airline customers which purchase significant amounts of air travel, ¶ 0025), the transaction being effected, at least partially, through a computerized system (i.e., airline travel supplier system 10, figure 1); collecting sets of ticketing transaction data relating to a plurality of historical ticketing transactions (e.g., recent historical airline travel data, ¶ 0035); storing the ticketing transaction data in at least one computer database (e.g., historical airline travel information extracted from reports and records, ¶ 0035); identifying among the population of stored ticketing transaction data sets, a plurality of the stored sets of transaction ticketing data as relating to a ticketing transaction under the purchasing contract, by comparing the stored ticketing transaction data with term attributes of a contract term (e.g., projected airline travel data derived from recent historical airline travel data, ¶ 0035); and generating a collection of contract transaction data sets (i.e., projected travel

data 24) by associating the transaction data set of each identified contract

transaction with each term data set of a contract term with which the transaction is

identified (i.e., expected airline travel purchases over a predefined time period, ¶

0035). Gillespie does not disclose said generating step including defining a plurality

of contract terms for the purchasing contract, each contract term being defined by a

plurality of term attributes, wherein a contract term defines a purchasing obligation of

the customer entity, and storing a term data set of the term attributes associated with

each contract term in a computer database.

Webber, Jr. discloses said generating step including defining a plurality of

contract terms for the purchasing contract, each contract term being defined by a

plurality of term attributes (contract terms and conditions, that specify activities

required to fulfill the obligations, column 6, lines 30-36), wherein a contract term

defines a purchasing obligation of the customer entity, and storing a term data set of

the term attributes associated with each contract term in a computer database (e.g.,

terms and functions of the contracts identified by a standard or common identifier

and stored in database 295, column 9, lines 34-39). Both Gillespie and Webber, Jr.

are concerned with efficient evaluation of suppliers, therefore it would have been

obvious to one having ordinary skill in the art at the time the invention was made to

include defining a plurality of contract terms for the purchasing contract, each

contract term being defined by a plurality of term attributes in Gillespie, as seen in

Webber, Jr., thus providing an efficient template to help the airline and corporate

customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-27).

As per claim 2, Gillespie does not disclose measuring the performance of a contract term, whereby the computer program inputs data from at least one contract transaction data sets associated with the contract term. Webber, Jr. discloses a transaction within the supply chain generates fulfillment obligations associated with contract terms for a particular entity (column 10, lines 3-7). Both Gillespie and Webber, Jr. are concerned with efficient evaluation of suppliers, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include measuring the performance of a contract term in Gillespie, as seen in Webber, Jr., thus providing an efficient template to help the airline and corporate customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-27).

As per claim 3, Gillespie discloses the step of identifying historical ticketing transactions as a contract transaction by selecting at least a portion of the transaction data for a purchasing transaction and comparing the selected portion with the term attributes data set for a contract term (i.e., the projected airline travel data 24 may be derived from recent historical airline travel data over a similar time period, ¶ 0035), whereby the historical ticketing transaction is identified as a contract transaction when the selected portion is identified with the term attributes of the contract term (i.e., airline purchase data may include terms and conditions of any recent price agreement, ¶ 0062).

As per claim 4, Gillespie discloses the supplier entity and the customer entity have, associated therewith, a plurality of entity attributes, said method further comprising the steps of: specifying entity data representing each of the entity attributes or a combination thereof (i.e., corporate customer and airline, ¶ 0025). Gillespie does not disclose including the entity data in each term data set such that the contract transaction data set includes entity data. Webber, Jr. discloses the contract includes an entity identifier associated with the parties linked to the transaction (column 9, lines 7-9). Both Gillespie and Webber, Jr. are concerned with efficient evaluation of suppliers, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the entity data in each term data set such that the contract transaction data set includes entity data in Gillespie, as seen in Webber, Jr., thus providing an efficient template to help the airline and corporate customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-27).

As per claim 5, Gillespie discloses specifying entity data representing an entity attribute from the group of entity attributes consisting of: customer entity organization information (i.e., corporate customer, ¶ 0025), designated customer employee contact information, supplier entity organization information, designated supplier employee contact information, and combinations thereof.

As per claim 6, Gillespie discloses selecting term attributes from the group of term attributes consisting of: supplier entity identifiers, customer entity identifiers, contract identifiers, contract term identifiers, term performance rules, term discount

(i.e., special pricing provided under contract terms, ¶ 0062), term requirements, and combinations thereof.

As per claim 7, Gillespie does not disclose for each contract, specifying entity data including supplier entity data designating one or more individuals associated with the contract for the supplier entity, and customer entity data designating individuals associated with the contract for the customer entity; and associating the entity data with each of the contract terms for the contract such that the contract transaction data sets generated include the entity data. Webber, Jr. discloses contracts for the respective entities are linked to the requesting supplier and buyer and other entities, as required by transaction (column 10, lines 1-3). Both Gillespie and Webber, Jr. are concerned with efficient evaluation of suppliers, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include specifying entity data including supplier entity data designating one or more individuals associated with the contract for the supplier entity in Gillespie, as seen in Webber, Jr., thus providing an efficient template to help the airline and corporate customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-27).

As per claim 8, Gillespie does not disclose generating a contract transaction data set including a supplier entity identifier, a customer entity identifier, a contract identifier, and a contract term identifier. Webber, Jr. discloses generating a contract transaction data set including a supplier entity identifier, a customer entity identifier (supply and buyer entity identifiers, column 9, lines 7-9), a contract identifier, and a

contract term identifier (terms and functions identified with a common or standard

identifier, column 6, lines 54-57). Both Gillespie and Webber, Jr. are concerned with

efficient evaluation of suppliers, therefore it would have been obvious to one having

ordinary skill in the art at the time the invention was made to include generating a

contract transaction data set including a supplier entity identifier, a customer entity

identifier, a contract identifier, and a contract term identifier in Gillespie, as seen in

Webber, Jr., thus providing an efficient template to help the airline and corporate

customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-

27).

As per claim 9, Gillespie does not disclose receiving, at one or more client

stations, transaction data relating to a partial purchase transaction, wherein the

partial purchase transaction embodies less than a whole portion of a predetermined

individualized transaction for a product; deriving an individualized transaction from at

least one partial purchasing transaction, the individualized transactions being

associated with an individualized transaction data set; and storing the transaction

data set for the individualized transaction in a computer database. Webber, Jr.

discloses receiving, at one or more client stations, transaction data relating to a

partial purchase transaction, wherein the partial purchase transaction embodies less

than a whole portion of a predetermined individualized transaction for a product

(e.g., links in a chain of transactions, wherein an event triggers computation of

transactional data, column 7, lines 9-20); deriving an individualized transaction from

at least one partial purchasing transaction, the individualized transactions being

associated with an individualized transaction data set; and storing the transaction

data set for the individualized transaction in a computer database (e.g., events that

trigger activity, wherein the events that make up the transaction trigger links to the

contract system and database 295, column 7, lines 21-25). Both Gillespie and

Webber, Jr. are concerned with efficient evaluation of suppliers, therefore it would

have been obvious to one having ordinary skill in the art at the time the invention

was made to include receiving, at one or more client stations, transaction data

relating to a partial purchase transaction, wherein the partial purchase transaction

embodies less than a whole portion of a predetermined individualized transaction for

a product and deriving an individualized transaction from at least one partial

purchasing transaction in Gillespie, as seen in Webber, Jr., thus providing an

efficient template to help the airline and corporate customer draft and program their

own contracts (see Webber, Jr. column 6, lines 24-27).

As per claim 10, Gillespie discloses collecting historical transaction data sets

representing purchasing transactions by the customer entity data (e.g., historical

airline travel information, ¶ 0035); and identifying historical ticketing transaction data

sets applicable to the proposed contract term by comparing contract term attributes

with at least a portion of each historical ticketing transaction data set (e.g., projected

airline travel data derived from recent historical airline travel data over a similar time

period, ¶ 0035), forecasting the performance of the proposed contract term using, as

input, at least a portion of each identified historical ticketing transaction data set ,

and qualifying the proposed contract term based, at least partly, on the forecasted

performance (e.g., projected airline travel data derived from recent historical airline

travel data over a similar time period, ¶ 0035), assigning the contract term to a

proposed contract; and evaluating the proposed contract with one or more of

qualified contract terms (i.e., airline purchase data may include terms and conditions

of any recent agreement, ¶ 0062). Gillespsie does not disclose identifying a

proposed contract term having a set of one or more term attributes (e.g. contract

terms and conditions required by parties, including fulfillment of obligations, column

9, lines 25-27). Both Gillespie and Webber, Jr. are concerned with efficient

evaluation of suppliers, therefore it would have been obvious to one having ordinary

skill in the art at the time the invention was made to include identifying a proposed

contract term having a set of one or more term attributes in Gillespie, as seen in

Webber, Jr., thus providing an efficient template to help the airline and corporate

customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-

27).

As per claim 11, Gillespie discloses collecting historical transaction data from a

plurality of distinct data sources (i.e., historical airline travel information extracted

from expense reports, travel agent records, etc., ¶ 0035).

As per claim 12, Gillespie discloses collecting historical transaction data in a

plurality of data formats (i.e., historical airline travel information extracted from

expense reports, travel agent records, etc., ¶ 0035). Gillespie does not disclose

converting each of the collected transaction data into historical transaction datasets

in accordance with a common data format, the common data format being defined

by the data collected, the representation of the data, and the arrangement of the

data in the data set. Webber, Jr. discloses conventional transaction reports

automatically generated into digital form (column 14, lines 19-22). Both Gillespie

and Webber, Jr. are concerned with efficient evaluation of suppliers, therefore it

would have been obvious to one having ordinary skill in the art at the time the

invention was made to include converting each of the collected transaction data into

historical transaction datasets in accordance with a common data format in Gillespie,

as seen in Webber, Jr., thus providing an efficient template to help the airline and

corporate customer draft and program their own contracts (see Webber, Jr. column

6, lines 24-27).

As per claim 15, Gillespie does not disclose receiving transaction data in a

plurality of data formats and storing the received transaction data in accordance with

a common data format, wherein the common data format is defined by the

representation and arrangement of data in the data set. Webber, Jr. disclose

receiving transaction data in a plurality of data formats (e.g., reports of transactions

in various formats, column 12, lines 36-39) and storing the received transaction data

in accordance with a common data format, wherein the common data format is

defined by the representation and arrangement of data in the data set (CAP system

are generated into digital format to be stored, column 14, lines 19-22). Both

Gillespie and Webber, Jr. are concerned with efficient evaluation of suppliers,

therefore it would have been obvious to one having ordinary skill in the art at the

time the invention was made to include receiving transaction data in a plurality of

data formats and storing the received transaction data in Gillespie, as seen in

Webber, Jr., thus providing an efficient template to help the airline and corporate

customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-

27).

As per claim 16, Gillespie discloses storing data representing transaction

attributes from the group of transaction attributes consisting of count of product

units, cost of product (i.e., booked or purchased for the city pair, ¶ 0035), product

code, customer entity code, supplier entity code including product originator and

product distributor, and combinations thereof.

As per claim 17, Gillespie does not disclose providing an ancillary database

containing data representing product attributes of each of a supplier's products,

whereby individual transaction for a single product are identifiable with a plurality of

product attributes; receiving, at a client station, parent transaction data relating to a

parent purchase transaction, wherein the parent transaction embodies a plurality of

individualized transactions; deriving an individualized transaction from the parent

transaction by executing a computer program to compare at least a portion of each

parent transaction data with the product attributes stored in the ancillary database,

defining an individualized transaction with each of the identified products, each of

the individualized transactions being associated with at least one of the transaction

data sets; and storing each transaction data set for each individualized transaction in

a computer database.

Webber, Jr. disclose providing an ancillary database containing data representing product attributes of each of a supplier's products, whereby individual transaction for a single product are identifiable with a plurality of product attributes (e.g., each contract initiated in CAP is assigned a product/service identifier that is unique to a product or service, column 9, lines 5-7); receiving, at a client station, parent transaction data relating to a parent purchase transaction, wherein the parent transaction embodies a plurality of individualized transactions (i.e., commercial transaction, wherein all the contracts of all the entities within the supply chain are linked together, column 10, lines 8-10); deriving an individualized transaction (i.e., trigger event/transaction) from the parent transaction by executing a computer program to compare at least a portion of each parent transaction data with the product attributes stored in the ancillary database (e.g., contracts of distinct entities are linked together by use of product/transaction identifiers, column 10, lines 12-14), defining an individualized transaction with each of the identified products, each of the individualized transactions being associated with at least one of the transaction data sets; and storing each transaction data set for each individualized transaction in a computer database (contracts database 295). Both Gillespie and Webber, Jr. are concerned with efficient evaluation of suppliers, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include providing an ancillary database containing data representing product attributes of each of a supplier's products, whereby individual transaction for a single product are identifiable with a plurality of product attributes in Gillespie, as seen in

Webber, Jr., thus providing an efficient template to help the airline and corporate

customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-

27).

As per claim 18, Gillespie discloses electronically marking each identified

transaction data set with a unique contract term code and an entity code specifying

the supplier entity and the customer entity (e.g., corporate customer and airline

identifiers, ¶ 0035).

As per claim 20, Gillespie discloses generating a transaction database for storing

the collected transaction data sets in a common data format (e.g., historical airline

travel information extracted from reports and records, ¶ 0035); generating an entity

database for storing data relating to supplier entities and customer entities (e.g.,

corporate customers and airline identifiers, ¶ 0035); and generating a term

performance database for storing measured term performance data (i.e., time-based

cost module 18 calculates the value of the travel time required under a given

scenario, ¶ 0063); whereby each of the databases are computer databases

interconnected to at least one data processing means (i.e., analysis system 10,

including the interconnected modules, ¶ 0032).

Gillespie does not disclose generating a term database for storing the contract

term attributes sets; and generating an entity contacts database for storing data

relating to information on individuals designated to a contract at supplier entities and

individuals designated to a contract at customer entities. Webber, Jr. discloses

generating a term database for storing the contract term attributes sets (e.g., terms

and conditions contained in contract); and generating an entity contacts database for storing data relating to information on individuals designated to a contract at supplier entities and individuals designated to a contract at customer entities (e.g., departments and divisions within the entity, column 10, lines 10-12). Both Gillespie and Webber, Jr. are concerned with efficient evaluation of suppliers, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include generating a term database for storing the contract term attributes sets; and generating an entity contacts database in Gillespie, as seen in Webber, Jr., thus providing an efficient template to help the airline and corporate customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-27).

Claims 21, 23, and 24 are rejected based upon the same rationale as the rejection of claims 10, 12, and 12, respectively.

Claims 27 and 28 are rejected based upon the same rationale as the rejection of claim 18.

As per claim 30, Gillespie discloses wherein the transaction data set represent information selected from the group of historical purchasing information consisting of: product description, count, cost (e.g., amount of airfare spent for the booked or purchased flight, ¶ 0035), date, time, salesperson, computed share applicable to supplier entity, and combinations thereof. Gillespie does not disclose creating a common data format characterized by a single line of transaction data. Webber, Jr. discloses template fields in digital contract (column 8, lines 20-24). Both Gillespie

and Webber, Jr. are concerned with efficient evaluation of suppliers, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include creating a common data format characterized by a single line of transaction data in Gillespie, as seen in Webber, Jr., thus providing an efficient template to help the airline and corporate customer draft and program their own contracts (see Webber, Jr. column 6, lines 24-27).

As per claim 40, Gillespie discloses a method of managing a purchasing contract between a supplier entity for a common carrier and a customer entity, the contract being applicable to ticketing transactions for the purchase of tickets, each of the ticketing transactions being associated with a ticket unit (e.g., method to allow companies to efficiently evaluate value of preferred airline supplier scenarios and improve negotiation position, ¶ 0025, thus able to decide what airlines to put under contract, ¶ 0016), said method comprising the steps of: generating a purchasing contract between a supplier entity for a common carrier and a customer entity (e.g., implementing contract goals that are indexed to accommodate changes in airline schedules, ¶ 0025), collecting transaction data related to a plurality of historical ticketing transactions from a plurality of data sources(e.g., recent historical airline travel data, ¶ 0035); storing a set of transaction data for each historical ticketing transactions in a computer database and in accordance with a common data format (e.g., historical airline travel information extracted from reports and records, ¶ 0035); executing a computer program to identify the historical ticketing transactions as contracted ticketing transactions (under the purchasing contract) by selecting at

least a portion of the transaction data set for a transaction and comparing the selected portion with the term data set for a contract term (i.e., the projected airline travel data 24 may be derived from recent historical airline travel data over a similar time period, ¶ 0035), whereby the transaction is identified as a contracted ticketing transaction upon identifying the selected portion with a portion of the term data set (e.g., airline purchase data may include the terms and conditions of a recent/prospective price agreement, ¶ 0062); and executing a computer program to measure the performance of the contract term using, as input, at least a portion of the transaction data set for each identified contracted ticketing transaction (e.g., total cost module used to generate a total expected travel cost for each scenario, ¶ 0066). Gillespie does not disclose identifying a contract term, the contract term having a plurality of term attributes, and storing the term attributes associated with each contract term as a term data set in a computer database, and electronically marking each identified transaction data set with a unique code associated with the contract term.

Webber, Jr. discloses identifying a contract term, the contract term having a plurality of term attributes, and storing the term attributes associated with each contract term as a term data set in a computer database (e.g., digital automation of the supply chain, including a transaction between a buyer and a seller in the form of a contract, column 5, lines 30-38), and electronically marking each identified transaction data set with a unique code associated with the contract term (e.g., contract includes an entity identifier associated with some or all of the parties

contractually linked to the transaction, column 9, lines 7-9). Both Gillespie and

Webber, Jr. are concerned with efficient evaluation of suppliers, therefore it would

have been obvious to one having ordinary skill in the art at the time the invention

was made to include the contract term having a plurality of term attributes, and

storing the term attributes associated with each contract term as a term data set in a

computer database and electronically marking each identified transaction data set

with a unique code in Gillespie, as seen in Webber, Jr., thus providing an efficient

template to help the airline and corporate customer draft and program their own

contracts (see Webber, Jr. column 6, lines 24-27).

Claims 41-45 are rejected based upon the same rationale as the rejection of

claims 17, (1&2), (5&7), 6, and 16, respectively.

Claims 52-54 are rejected based upon the rejection of claims 1, 15, 17, and 18,

since they are the system claims, corresponding to the method claims.

6.   Claims 13, 14, 22, 25, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gillespie, in view of Webber, Jr., as applied to claim 10, in further

view of Lidow (US 2002/0184084).

As per claim 13, neither Gillespie nor Webber, Jr. disclose designating the

proposed contract term as qualified upon determining that the forecasted

performance satisfies a predetermined performance criteria. Lidow discloses

reviewing the customer forecasts (wherein the forecast term is quantity), for

consistency with contractual agreements and prior forecasts (i.e., predetermined

performance criteria, ¶ 0132). Gillespie, Webber, Jr., and Lidow are concerned with efficient evaluation of suppliers, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include designating the proposed contract term as qualified in Gillespie, as seen in Lidow, as an effective means of minimizing demand volatility, by qualifying the forecasting, thus making the Webber, Jr. system more robust.

As per claim 14, Gillespie does not disclose storing a plurality of proposed contract terms including a plurality of term performance rules for each proposed term. Webber, Jr. discloses fulfillment of obligations, determined by terms and rules (column 10, lines 32-35). Neither Gillespie nor Webber, Jr. disclose wherein the step of qualifying a proposed contract term includes comparing the forecasted performance with a term performance rule. Lidow discloses reviewing the customer forecasts (wherein the forecast term is quantity), for consistency with contractual agreements and prior forecasts (i.e., predetermined performance criteria, ¶ 0132). Gillespie, Webber, Jr., and Lidow are concerned with efficient evaluation of suppliers, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include storing a plurality of proposed contract terms including a plurality of term performance rules for each proposed term and of qualifying a proposed contract term includes comparing the forecasted performance with a term performance rule in Gillespie, as seen in Webber, Jr. and Lidow, respectively, as an effective means of minimizing demand volatility, by qualifying the forecasting, thus making the Webber, Jr. system more robust.

Claim 22 is rejected based upon the same rational as the rejection of claim 14.

As per claim 25, neither Gillespie nor Lidow disclose individualizing each of the

collected transaction data, including executing data processing means to convert

each transaction data set to individualized transaction data sets, whereby each

individualized transaction data set is associated with a single predetermined product.

Webber, Jr. discloses contracts for a chain of individualized transactions are stored

for each requested product (column 9, lines 19-20). Gillespie, Webber, Jr., and

Lidow are concerned with efficient evaluation of suppliers, therefore it would have

been obvious to one having ordinary skill in the art at the time the invention was

made to include individualizing each of the collected transaction data in Gillespie, as

seen in Webber, Jr., thus providing an efficient template to help the airline and

corporate customer draft and program their own contracts (see Webber, Jr. column

6, lines 24-27).

Claim 26 is rejected based upon the same rational is the rejection of claim 17.

7.   Claims 19 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gillespie, in view of Webber, Jr., as applied to claims 18 and 27, in further view

of Ben-Meir et al (US 2003/0014326).

As per claims 19 and 29, neither Gillespie nor Webber, Jr. disclose storing an

SQL statement that describes each term and wherein the marking step includes

generating an SQL statement to match transaction data sets with a contract term.

Ben-Meir et al disclose a system, which supports buyer and vendors in the process

of selecting business partners and managing relationships (¶ 0010), including a

relational database 50 that includes SQL language (¶0025). Further, Ben-Meir et al

disclose storing contract and information in the database, in order to sort, analyze,

and/or reuse, based upon the need (¶ 0094). Gillespie, Webber, Jr., and Ben-Meir

et al are concerned with effective buyer and vendor relationships and purchasing

efficiency, therefore it would have been obvious to one having ordinary skill in the art

at the time the invention was made to include SQL language in database 295 in

Gillespie, as seen in Ben-Meir et al, as an effective means of database management

via sort and analysis, thereby making the Gillespie system more robust.

Response to Arguments

8.   Applicant's arguments with respect to claims 1-30, 40-45, and 52-54 have been

considered but are moot in view of the new grounds of rejection.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

-Gardner et al (US 2002/0178034) disclose reducing costs and enhancing

revenue controls associated with airline travel.

-Shoolery et al (USPN 5570283) disclose controlling travel primarily in a

corporate environment.

-Ahlstrom et al (USPN 4862357) disclose information sorted and scored in accordance with a predetermined travel policy.

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR

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Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adb
July 8, 2005

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600